

**QUICK-START GUIDE TO USING THE OFFICE OF JUSTICE PROGRAMS
ONLINE GRANTS MANAGEMENT SYSTEM**

***DEADLINE TO REGISTER ONLINE IS JANUARY 25, 2001
APPLICATIONS ARE DUE FEBRUARY 1, 2001***

NOTE: ALLOW SEVERAL DAYS TO COMPLETE YOUR APPLICATION ONLINE .

- ◆ **Step 1.** Using your established Internet account,* go to **www.ojp.usdoj.gov/fundopps.htm**. An online GMS User's Manual is **available on this page, and you may link directly** to OJP's Grants Management System (GMS), which will provide online "help" screens.
- ◆ **Step 2.** Select "**Logon to the Grants Management System (GMS).**"
- ◆ **Step 3.** Click on "**New User? Register Here.**"
- ◆ **Step 4.** Follow the on-screen instructions to register with GMS. OJP will confirm your registration within a week and let you know through an email if you are eligible to apply.
- ◆ **Step 5.** Applying Online: Complete the on-screen *424/Application for Federal Assistance*. Attach and upload your program narrative in wordprocessing or spreadsheet files. OJP will notify you by way of email that your application has been received and what your application number is.

Documents that cannot be submitted electronically should be faxed to your program manager at the Violence Against Women Office: 202-354-4147. ***Include your application number on all materials submitted by fax.***

For assistance with GMS call **the hotline at 1-888-549-9901.**

**If you do not have an Internet account, call the GMS hotline at 1-888-549-9901 for assistance.*

S*T*O*P
(SERVICES*TRAINING*OFFICERS*PROSECUTORS)
VIOLENCE AGAINST WOMEN FORMULA GRANTS PROGRAM
FISCAL YEAR 2001 SOLICITATION FOR APPLICATIONS

I. INTRODUCTION

This solicitation provides program and application guidelines for fiscal year 2001 S*T*O*P Violence Against Women formula grants, including guidelines for implementing the program priorities and requirements of the Violence Against Women Act (VAWA) of 2000. The S*T*O*P Violence Against Women Formula Grants Program continues to encourage the development and implementation of effective, victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services in cases involving violent crimes against women.¹

II. SUMMARY OF VAWA 2000 REQUIREMENTS

The Violence Against Women Act (VAWA) of 2000 reauthorizes and amends the S*T*O*P Violence Against Women Formula Grants Program as follows:

- Increases the base award amount to states from \$500,000 to \$600,000.
- Amends the formula for allocating funds within a state to provide at least 25 percent of S*T*O*P funds to law enforcement programs, at least 25 percent to prosecution programs, at least 30 percent to nonprofit, nongovernmental victim services programs, and at least 5 percent to courts.
- Includes state, local, and tribal courts as eligible S*T*O*P subgrantees and adds “judges and other court personnel” among the intended beneficiaries of the program.
- Adds “dating violence” to several of the program purpose areas and includes a definition of the term (see Appendix A for S*T*O*P Program definitions).

¹Although both women and men may be victims of domestic violence, sexual assault, and stalking, women are the victims of the vast majority of these crimes. According to the Bureau of Justice Statistics, more than 85% of violent victimizations by intimate partners between 1993 and 1998 were perpetrated against women. Women are between 13 and 14 times more likely than men to be raped or sexually assaulted; for instance, in 1994, 93% of sexual assaults were perpetrated against women. Four of five stalking victims are women. Data on male victimization do not show that males experience comparable victimizations and injury levels, do not account for women who act in self defense, and do not measure financial control, intimidation, and isolation used by perpetrators of domestic violence against women. For these reasons, this application kit may refer to victims as women and perpetrators as men. However, applicants who receive grants under this program must serve all victims regardless of gender.

- Adds four purpose areas to the existing seven purposes for which S*T*O*P funds may be used: (1) to support statewide, multidisciplinary efforts to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments to violent crimes against women; (2) to train sexual assault forensic medical examiners; (3) to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault; and (4) to assist victims of domestic violence and sexual assault in immigration matters.
- Redefines “underserved populations” to include geographic location, race and ethnicity, language barriers, all disabilities, alienage status, age, and any other population determined to be underserved by the state planning process in consultation with the Attorney General.
- Amends the VAWA provision regarding payment of filing and service costs to require as a condition for funding that states certify that their laws, policies, and practices do not require,
 - in connection with the prosecution of any misdemeanor or felony domestic violence offense or
 - in connection with the filing, issuance, registration, or service of a protection order or a petition for a protection order to protect a victim of domestic violence, stalking, or sexual assault,

that the victim bear the costs associated with the filing of criminal charges against the offender or the costs associated with the filing, issuance, registration, or service of a warrant, a protection order, a petition for protection order, or a witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction. States have until October 28, 2002 to come into compliance with this provision.
- Requires states to include in their mandatory reports on the effectiveness of activities carried out with S*T*O*P funds the numbers of persons served and numbers of persons seeking services who could not be served.

III. Funding Eligibility

To qualify for S*T*O*P funds states must meet all of the application requirements, including the following:

- Documentation from prosecution, law enforcement, court, and victim services programs demonstrating the need for the grant funds, intended use of the grant funds, expected results from the use of the grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity, and language background.

- Documentation from nonprofit, nongovernmental victim services programs describing their participation in developing the state S*T*O*P implementation plan. This may be in the form of letter(s) from members of the planning team and should indicate that the plan addresses the needs and services identified as priorities by the team.
- Proof of compliance with the requirements for the payment of forensic medical exams.
- Proof of compliance with the requirements for the payment of filing and service fees for criminal charges in connection with domestic violence cases and payment of fees related to the filing, issuance, registration, or service of warrants, protection orders, petitions for protection orders, or witness subpoenas in both civil and criminal cases.

A state is in compliance with the amended requirement concerning payment of filing and service fees if the state

- Certifies that its laws, policies, and practices do not require,
 - in connection with the prosecution of any misdemeanor or felony domestic violence offense or
 - in connection with the filing, issuance, registration, or service of a protection order or a petition for a protection order to protect a victim of domestic violence, stalking, or sexual assault,
 that the victim bear the costs associated with the filing of criminal charges against the offender or the costs associated with the filing, issuance, registration, or service of a warrant, a protection order, a petition for protection order, or a witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction; or
- Gives the Assistant Attorney General for the Office of Justice Programs (OJP) assurances that its laws, policies, and practices will be in compliance with the provision by the date on which the next session of the state legislature ends or October 28, 2002.

S*T*O*P applicants must briefly describe the status of their compliance with the requirements and submit copies of any legislative or administrative rules changes on these requirements that have occurred since submission of the state's last application for S*T*O*P funds. Appendix B contains the *Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act (as Amended)* form that states must sign and submit annually to demonstrate compliance with these requirements.

Upon satisfying the application requirements, a state shall be qualified for funds under the S*T*O*P Program provided that the state certifies that

- The funds will be used for any of the eleven purposes listed in the succeeding section and described in the Violence Against Women Act (as amended).
- States and subgrantees will develop plans for implementation of their S*T*O*P programs in consultation and coordination with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence services programs. (Section VI addresses state plans in more detail.)
- Not less than 25 percent of the amount granted will be allocated to police, not less than 25 percent will be allocated to prosecutors, not less than 30 percent will be allocated to victim services, and not less than 5 percent will be allocated for courts.
- S*T*O*P funds will be used to supplement, not supplant, funds that otherwise would be available for activities funded through this Program.

IV. PROGRAM PURPOSE AREAS

S*T*O*P formula grants are intended for use by states; state, local, and tribal courts; Indian tribal governments; units of local government; and nonprofit, nongovernmental victim services programs for the following program purposes:

- Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence.
- Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including sexual assault and domestic violence.
- Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services devoted to preventing, identifying, and responding to violent crimes against women, including sexual assault and domestic violence.
- Developing, installing, or expanding data collection and communication systems, including computerized systems linking police, prosecution, and the courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence, including the reporting of such information to the National Instant Criminal Background Check System.
- Developing, enlarging, or strengthening victim services programs, including sexual assault, domestic violence, and dating violence programs; developing or improving the delivery of victim services to underserved populations; providing specialized domestic violence court

advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including sexual assault and domestic violence.

- Developing, expanding, or strengthening programs addressing stalking.
- Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.
- Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by state funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence.
- Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.
- Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals.
- Providing assistance to victims of domestic violence and sexual assault in immigration matters.

Children's services supported with S*T*O*P funds must be inextricably linked to providing services to victims of domestic violence. For example, S*T*O*P funds may support the expansion of shelter services for battered women to include programs for their children.

S*T*O*P funds may not be used to support services that focus exclusively on children or to develop sexual assault or domestic violence prevention curricula for schools.

S*T*O*P funding may not support legal or defense services for perpetrators of violence against women (see §90.2(I)(1) of the 1994 Violence Against Women Act implementing regulations published in the April 18, 1995 Federal Register). But they may support batterers' intervention programs, if the intervention is part of a graduated range of sanctions that use the coercive power of the criminal justice system to hold abusers accountable for their criminal actions and for changing their behavior.

V. PROGRAM PRIORITIES

The emphasis of the S*T*O*P Program continues to be on the implementation of comprehensive strategies addressing violence against women that are sensitive to the needs and safety of victims and hold offenders accountable for their crimes. States should seek to carry out these strategies by forging lasting partnerships between the criminal justice system and victim advocates and by encouraging communities to look beyond traditional resources and to new partners to respond more vigorously to all aspects of violence against women.

In shaping their strategies for fiscal year 2001, states are encouraged to develop and support projects to

- Implement community-driven initiatives to address the needs of elder victims of domestic violence, sexual assault, and stalking and other underserved populations of women as defined by the Violence Against Women Act of 2000.
- Address sexual assault through service expansion; development and implementation of protocols; training for judges, other court personnel, prosecutors, and law enforcement; and development of coordinated community responses to sexual assault.
- Support safety audits and fatality review teams at the state and local levels to develop and implement more effective police, court, and prosecutor policies, protocols, and orders.
- Enhance the role of the judiciary and other court personnel in managing offender behavior and securing victim safety through judicial education and court-related projects.

VI. FY 2001 STATE IMPLEMENTATION PLAN

States must develop their implementation plans through deliberative consultation and coordination with a broad range of participants, including private, nonprofit victim services programs (including sexual assault and domestic violence programs) and victim advocates. States are strongly encouraged to involve representatives from Indian tribal governments in their planning processes and to consider the needs of Indian tribes in developing the states' law enforcement, prosecution, court, and victim service strategies. The identification of what victim services programs to consult is up to each state. However, states should bear in mind that VAWA defines a victim services program as "a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process." In addition, victim services programs must meet all of the following criteria to be eligible for funding:

- Victim services programs must have, as one of their primary purposes, to provide services

to victims of domestic violence, sexual assault, dating violence, or stalking.

Experts view domestic violence as a pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner. This pattern of behavior may include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control. State administrators should be aware that when victims of domestic violence flee from abuse, perpetrators of domestic violence frequently claim to be victims in order to locate their former victims, punish them for leaving, or regain control over victims through legal proceedings. Organizations that claim to assist victims but actually assist perpetrators in regaining control over victims are not eligible for support. Moreover, in cases of dual arrest or cross allegations of abuse, projects must not provide victim services to the primary or predominant aggressor.

- Victim services programs must reflect (e.g., through mission statements, training for all staff) an understanding that the violence perpetrated against victims is grounded in an abuse of power by offenders, reinforced through intimidation and coercion, sanctioned by traditional societal and cultural norms, and supported by the legal system's historically discriminatory response to domestic violence, sexual assault, and stalking crimes.

Victim services programs must have this understanding because existing cultural and legal norms validate perpetrator conduct, compromise victim safety, discourage social support for victims, and perpetuate societal tolerance of the violence. In the context of these norms, perpetrator conduct impedes the liberty and autonomy of victims, creates fear of the perpetrator, causes physical and/or psychological injury, and limits the victim's access to services. The philosophy of victim services programs must reject the use of violence and intimidation to perpetuate these and other forms of inequality.

- Victim services programs must address a demonstrated need in their communities by providing services that promote the integrity and self sufficiency of victims, improve their access to resources, and create options for victims seeking safety from perpetrator violence.

A lack of services alone does not demonstrate the need for a particular program to be funded. Rather, states should determine whether there is a demonstrated need for the proposed services and whether the applicant would serve a significant number of victims who do not otherwise have access to resources such as safe housing, economic self sufficiency, advocacy and counseling, and culturally appropriate services. Services must be designed to restore victim autonomy and liberty, for example, by assisting victims when perpetrators have denied them access to financial resources such as family income or bank accounts.

- Victim services programs must not engage in activities that compromise victim safety.

Examples of activities that compromise victim safety include but are not limited to mediation, alternative dispute resolution, couples counseling, or any other intervention that implies that both parties are responsible for the perpetrator's violence; failing to respect victim autonomy and decision-making; intervention or counseling programs for perpetrators that do not use the coercive power of the criminal justice system to hold them accountable for their behavior, such as anger or stress management programs; and providing perpetrators with confidential information about the whereabouts or activities of victims or their families.

- Victim services programs must consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs.

States must demonstrate that they have consulted and coordinated in a meaningful way with sexual assault and domestic violence victim services programs or coalitions.

States must submit their program implementation plans to their program manager at the Violence Against Women Office, Office of Justice Program within 90 days of receipt of the award. The implementation plan should describe (1) the process used to develop the plan and the involvement of victim services programs and advocates; (2) major shifts in direction, if any, because of reevaluation or reassessment of previous efforts; (3) how the approach to reducing and preventing violence against women this year will build on efforts of previous years; (4) how the funds will be distributed across the law enforcement, prosecution, courts, and victim services categories; (5) the types of programs and projects the grantee intends to support with grant dollars; and (6) how the success of grant-funded activities will be evaluated. The projects to be supported with S*T*O*P dollars must address one or more of the eleven program purpose areas. The implementation plan also should describe how the state will achieve the following:

- Equitable distribution of funds and priority given to projects based on geographic diversity, which may include Indian tribes, and the availability of existing domestic violence and sexual assault services.
- Award of subgrants in amounts based on the population and geographic area to be served.
- Recognize and address the needs of underserved populations as defined by VAWA 2000.

VII. PROGRAM REPORTING REQUIREMENTS

Progress Reports: The state administrative agency is responsible for reporting to the Violence Against Women Office, Office of Justice Programs on program activities. VAWA as amended requires states to submit annual statewide performance reports that assess whether stated goals and objectives were achieved and that evaluate the effectiveness of the activities carried out with amounts made available to carry out the program, including numbers of persons served and the

numbers of persons seeking services who could not be served. States are required to submit this report at the end of each fiscal year but no later than December 31 of each year.

Subgrant Award and Performance Report (SAPR) The application should describe the status of subgrant awards for fiscal years 1995-00, including the date subgrant funds were awarded. If the state has not completed making subgrants, the state should provide the amount of each fiscal year's funds not yet awarded, an explanation of why the funds have not been awarded, and the anticipated date funds will be obligated.

VIII. EVALUATION

The S*T*O*P Program will be evaluated for impact and effectiveness, to document program outcomes, and to determine the impact of the state-level coordinating mechanism on victims of domestic violence and sexual assault. Evaluators may visit grantee sites to collect data for these evaluations. Grantees and subgrantees are required to cooperate in these evaluations and provide necessary information that may be requested. In addition, states and their subgrantees are encouraged to conduct local evaluations or assessments of their projects.

S*T*O*P grantees should develop and implement protocols for the uniform collection of data by subgrantees and grantees and coordinate all data collection activities. Data should include information on criminal recidivism, prosecutions for violations of protection orders, violations of protection orders that are not prosecuted, and violent and nonviolent violations of diversion or deferred sentencing programs. Grantees should try to conform existing data to their new protocol

In conducting evaluations, S*T*O*P evaluators should consult the Urban Institute's *Evaluation Guidebook*. Copies of the *Guidebook* are available free of charge from the S*T*O*P TA Project (1-800-265-5883) or the Urban Institute's website: www.urban.org/crime.

IX. APPLICATION DEADLINE AND CONTENTS

The deadline for registering to apply is January 25, 2001. The deadline for submitting applications is February 1, 2001. All applications must be submitted online through the OJP grants management system (GMS). Instructions for using GMS are provided in the beginning of this application booklet under *Quick-Start Guide to Using GMS*. The Catalogue of Federal Domestic Assistance number is 16.588 and the title is *Fiscal Year 2001 S*T*O*P Violence Against Women Formula Grants Program*.

As you are filling out the contact information, GMS will ask you if you are the "signing authority." The signing authority is an individual authorized to accept grant funds on behalf of your agency. If you are not the signing authority, you *must* list the authorizing official's name and contact information. In addition, applicants must complete the federal form SF 424, Application for Federal Assistance, included in GMS.

All applications must include the following:

- An explanation of the status of the applicant's compliance with the VAWA provisions pertaining to payment for forensic medical exams, payment for filing and service fees in criminal charges concerning domestic violence, and payment of fees related to the filing, issuance, registration, or service of warrants, petitions for protection orders, witness subpoenas, and protection orders in both civil and criminal cases. This information should be included as part of your project narrative.
- A report on the status of subgrants for fiscal years 1995-00, if none has been submitted to date or if the status has changed since the last report. This information should be included as part of your project narrative.
- Documentation from prosecution, law enforcement, court, and victim services programs demonstrating the need for the grant funds, intended use of the grant funds, expected results from the use of the grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity, and language background.
- Documentation demonstrating the commitment of nonprofit, nongovernmental victim-services programs to participate in the development of the grantee's implementation plan. This documentation may be in the form of letters from members of the planning team and should indicate that the plan addresses the needs and services identified as priorities by the team. ***This information must be faxed to the Violence Against Women Office at 202-307-3911 and should include your application number.***
- Information on active and pending federal grant awards supporting this or related efforts² and on how these would be coordinated with the S*T*O*P Program funding. For each funding source, please provide the program or project title, federal grantor agency, federal award amount, and brief description of the program or project purpose. This information is sought to encourage better coordination among federal agencies in addressing state and local needs. This information should be included as part of your project narrative.
- ***Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended*** (Appendix B) signed by an authorizing official. ***This form must be faxed to Violence Against Women Office at 202-307-3911 and should include your application number.***

²"Related efforts" is defined as having the same purpose (i.e., proposed award would supplement, expand, complement, or continue activities funded with other federal grants), being another phase or component of the same program or project (e.g. to implement a planning effort funded with other federal dollars), or providing services of some kind (e.g., technical assistance, research, evaluation) to enhance S*T*O*P-funded activities.

- *Assurances:* You will be agreeing to these assurances when you submit your application online through GMS. The recipient of federal funds is responsible for fully understanding and complying with these requirements. Failure to comply may result in the withholding of funds, termination of the award, or other sanctions.
- *Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements:* You will be agreeing to these certifications when you submit your application online through GMS. In doing so, the applicant agrees to comply with the following requirements:

Lobbying: The applicant and its subgrantees, contractors, and subcontractors will not use federal funds for lobbying and will disclose any lobbying activities.

Debarment: The applicant and its principals have not been debarred or suspended from federal benefits and no such proceedings have been initiated against them; have not been convicted of, indicted for, or criminally or civilly charged by a government entity for fraud, violation of antitrust statutes, embezzlement, theft, forgery, bribery, falsification, destruction of records, making false statements, or receiving stolen property; and have not had a public transaction terminated for cause or default.

Drug-Free Workplace : The applicant will or will continue to provide a drug-free workplace. Signing this form commits the applicant to compliance with certification requirements under 28 CFR Part 69, *New Restrictions on Lobbying*, and 28 CFR 67, *Government-Wide Debarment and Suspension (Nonprocurement)* and *Government-Wide Requirements for Drug-Free Workplace (grants)*. The certification will be treated as a material representation of the fact on which the Department of Justice will rely in making awards.

- A letter addressed to the Assistant Attorney General of OJP certifying that S*T*O*P funds will supplement and not supplant existing funds. Federal funds must be used to supplement existing funds for program activities and not replace (supplant) nonfederal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and criminal penalties. ***This letter must be faxed to the Violence Against Women Office at 202-307-3911 and should include your application number.***
- Information on whether the project or activity proposed in the application includes research that may involve human subjects, as defined in 28 CFR Part 46. This information should be included as part of your project narrative.

The Department of Justice is a signatory to the federal policy on protection of human subjects of research, the "Common Rule." The Department of Justice's incorporation of the Common Rule is set forth in 28 CFR Part 46, *Protection of Human Subjects*, which requires that research involving human subjects be submitted to an independent review board for approval and that informed consent procedures be followed. The policies set forth in 28 CFR Part 46 apply to all research involving human subjects conducted, supported, or otherwise subject to regulation by any federal department or agency that has adopted the Common Rule. Federal funds may not be expended for research involving human subjects unless the requirements of this policy have been satisfied, if the research is not covered by an exemption set forth in 28 CFR Section 46.101(b)(1).

The applicant must indicate whether the project or activity in its application includes research that may involve human subjects, as defined in 28 CFR Part 46.

- Statement of compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. § 470, et seq., as amended), which states that prior to the use of any grant funds to renovate, alter, or otherwise improve the exterior or interior of a building, applicants for federal funds must establish identification, recordkeeping, reporting, consultation, and decision-making processes within their programs or procedures for administering grant funds. Proposed renovation work includes work not specifically funded with these grant funds but funded by the applicant or any third party.
- ***Single Point of Contact***: Executive Order 12372 requires applicants from state and local units of government, or other organizations providing services within a state, to submit a copy of the application to the state single point of contact (SPOC), if one exists and if the program has been selected for review by the state. Applicants must contact their SPOC to learn whether the S*T*O*P Program has been selected for state review.
- ***Civil Rights Compliance***: Recipients of federal grant funds must comply with nondiscrimination requirements contained in federal laws. In the event that a court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing, the recipient must agree to forward a copy of the findings to the Office for Civil Rights at OJP. All applicants should consult the *Assurances* to understand the applicable legal and administrative requirements.

X. FINANCIAL INFORMATION

All federal formula grant funds are governed by the provisions of the *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (Grants Management Common Rule) and Circulars Nos. A-87 (*Cost Principles for State, Local, and Indian Tribal Governments*), A-102 (*Grants and Cooperative Agreements with State and Local Governments*), A-133 (*Audits of States, Local Governments, and Non-Profit Organizations*), as

applicable to financial assistance. Additional information and guidance on S*T*O*P grant funds are contained in the OJP *Financial Guide*, which includes information on accounting systems, allowable costs, audit requirements, financial records, and methods of payment. Copies of the *Guide* are available from the Department of Justice Response Center at 1-800-421-6770.

Award Period: The award period for these grants is 24 months.

Award Amount: The Violence Against Women Office will award a base amount of \$600,000 to each state and territory and the District of Columbia. If some states or territories or the District of Columbia choose not to apply this year, their shares will be distributed among those eligible applicants who do apply. Funds remaining after the allocation of the base amount will be distributed among the states based on population. The most recent data compiled by the U.S. Bureau of the Census are used to determine the state populations. Indian tribal populations are not included in the population count.

Allocation of Program Funds: The state implementation plan must reflect that at least 25 percent of each year's grant award will be allocated to law enforcement, at least 25 percent to prosecution, at least 5 percent to courts, and at least 30 percent to nonprofit, nongovernmental victim services programs. This is a statutory requirement that applies to the states. These allocations may not be redistributed or transferred to another area. States have 24 months (the duration of the grant period) to meet the statutory funding allocations. The remainder of the funds may be spent at the discretion of the state to address the program purposes described previously. Grantees are required to submit only total cost estimates, not category-specific amounts, for each subgrant.

States are not required to use a competitive process to select their S*T*O*P subgrants. The process for awarding subgrants is up to the state administrative agency. (*Exception:* Sole source contracts over \$100,000 must receive prior approval from OJP.)

Allowable Costs: In general, S*T*O*P grants may support personnel, training, technical assistance, evaluation, data collection, and equipment costs to enhance the apprehension, prosecution, and adjudication of persons committing violent crimes against women and to provide or improve services for victims.

Administrative Funds: Grantees may use up to 5 percent of the total award amount for grant administration, including statewide review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursement to subgrantees. The Violence Against Women Office will attach a special condition to each grant award giving grantees immediate access to administrative funds for developing S*T*O*P program implementation plans. The balance of funds will be made available to each state after the state has submitted and received approval for its implementation plan.

Allowable costs under administrative funds are the same as those for the program. Grantees should set aside the 5 percent allocated for administrative funds prior to the distribution of funds to

subgrantees. Administrative funds should not be included in the allocations to law enforcement, prosecution, courts, and victim services. Match is not required for administrative funds.

Match Requirements : Subawards made under this grant program may support up to 75 percent of the total cost of each project. Cash or in-kind services may be used as match. Nonprofit, nongovernmental victim services programs are exempt from the match requirement. Other subgrantees must provide a 25 percent nonfederal match. The state is responsible for ensuring that its subgrantees comply with the 25 percent nonfederal match requirement. *Exception:* Pursuant to 48 U.S.C. § 1469a, OJP waives the requirement for matching funds for grants awarded to the Insular Areas (American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands).

In-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor, if the services they provide are an integral and necessary part of a funded project. The value placed on loaned or donated equipment may not exceed its fair rental value. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market. Fringe benefits may be included in the valuation. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient organization for its own employees. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality. The basis for determining the value of personal services, materials, equipment, and space must be documented.

The purpose of matching funds is to augment the amount of resources available to the project from grant funds. The costs of activities counted as match must be directly related to the project goals and objectives and should be included as part of any evaluation or assessment. For example, if S*T*O*P funds are used to hire a second victim advocate in a prosecutor's office to expand the availability of services to battered and sexually assaulted women, the time and activities of the original victim advocate may be considered as an in-kind match. Both advocates' time devoted to grant-related activities must be documented in an auditable manner. If half of a prosecutor's time is supported with grant funds, that prosecutor must track ALL of his or her time to demonstrate that 50 percent of it was devoted to the grant-funded project. In-kind match must be documented in the same manner as grant-funded activities.

The source of the nonfederal match is governed by OJP's *Financial Guide*. Generally, cash match may be applied from the following sources: funds from state and local units of government that have a binding commitment of matching funds for programs or projects; funds from the Housing and Community Development Act of 1974, 42 U.S.C. § 5305, *et seq.*, or the Appalachian Regional Development Act, 40 U.S.C. § 214, or the Equitable Sharing Program, 21 U.S.C. § 881(e); funds contributed from private sources; program-income funds from seized assets and forfeitures; or funds otherwise authorized by law. All funds designated as match are restricted to the same uses

as the S*T*O*P Program funds and must be expended within the grant period. The state must ensure the match is identified in a manner that guarantees its accountability during an audit.

Indirect Costs: The state administrative agency may charge its federally approved indirect cost rate to this grant. However, any indirect costs requested must be paid from the 5 percent administrative funds. An indirect cost rate and cost allocation plan must be on file or submitted and approved by the U.S. Department of Justice prior to budgeting funds for such costs.

XI. FINANCIAL REPORTING REQUIREMENTS

Financial Status Report: Financial status reports (SF 269-A) are due quarterly on the 45th day following the end of each calendar quarter. Reports are due every quarter in which the award is active, even if there has been no financial activity during the reporting period. The final report is due 120 days after the award end date. The Comptroller Office at OJP will include a copy of the report form in the award package. Future awards and fund drawdowns may be withheld if progress or financial status reports are delinquent.

Single Audit Report: Recipients who expend \$300,000 or more of federal funds during their fiscal year must submit an organizationwide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accounting Office's Government Auditing Standards. The audit report is due to the Federal Audit Clearinghouse not later than 9 months after the end of the recipient's fiscal year.

XII. SUSPENSION OR TERMINATION OF FUNDING

OJP may suspend funding in whole or in part, terminate funding, or impose another sanction on a recipient who has failed to comply substantially with the following:

- The requirements and statutory objectives of the S*T*O*P Violence Against Women Formula Grants Program.
- The regulations and guidelines issued for the S*T*O*P Program.
- The application submitted in accordance with the provisions of the S*T*O*P statute or other provision of any other applicable federal Act.

OJP will provide reasonable notice of its intent to impose sanctions and will attempt informally to resolve the problem. Hearing and appeal procedures will follow those outlined in the Department of Justice regulations in 28 CFR Part 18.

OJP shall suspend funding for an approved application if a grantee fails to submit an annual performance report, funds are expended for purposes other than those allowed under the STOP

statute, or a grantee's performance report or accompanying assessments demonstrate to OJP that the program is ineffective or financially unsound.

XIII. CONTACT

For additional information, please contact your VAWO program manager at 202-307-6026.

APPENDIX A

DEFINITIONS APPLICABLE TO THE S*T*O*P VIOLENCE AGAINST WOMEN FORMULA GRANTS PROGRAM

S*T*O*P Violence Against Women Formula Grants Program as Amended Fiscal Year 2001 Application for Solicitations

Definitions

Dating Violence: The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of the relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic Violence: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. For the purposes of the S*T*O*P Program, domestic violence also includes any crime of violence considered to be an act of domestic violence according to state law.

Forensic Medical Examination: The term “forensic medical examination” means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law. The examination should include at a minimum the following: (1) examination of physical trauma; (2) determination of penetration or force; (3) patient interview; and (4) collection and evaluation of evidence.

The inclusion of additional procedures (e.g., testing for sexually transmitted diseases) to obtain evidence may be determined by the state, Indian tribal government, or unit of local government in accordance with its current laws, policies, and practices.

Indian Tribe: The term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Law Enforcement: The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs).

Prosecution: The term “prosecution” means any public office or agency charged with direct responsibility for prosecution of criminal offenders, including such office’s or agency’s component departments or bureaus (such as governmental victim services programs). Prosecution support services, such as overseeing or participating in statewide or multijurisdictional domestic violence task forces, conducting training for state and local prosecutors, or enforcing victim compensation

and domestic violence-related restraining orders shall be considered “direct responsibility” for purpose of this program.

Sexual Assault: The term “sexual assault” means any conduct proscribed by Chapter 109A of Title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

Underserved Populations: The term “underserved populations” includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the state planning process in consultation with the Attorney General.

Victim Services: The term “victim services” means a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women’s shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process.

For purposes of the S*T*O*P Violence Against Women formula grants, funding may include support for lawyer and nonlawyer advocates, including specialized domestic violence court advocates in courts where a significant number of protective orders are granted. Legal defense services for perpetrators of violence against women may not be supported with grant funds.

The definition also encompasses Indian victim assistance programs and statewide domestic violence and sexual assault coalitions to the extent they provide direct services to domestic violence and sexual assault victims. Governmental victim services programs established as nonprofit organizations are eligible to apply under the designated state grant victim services funds (e.g., county nonprofit shelter) but are eligible for funding only under the unallocated portion of a state’s grant. In addition, victim services programs must meet all of the following criteria to be eligible for funding:

- Victim services programs must have, as one of their primary purposes, to provide services to victims of domestic violence, sexual assault, dating violence, or stalking.

Experts view domestic violence as a pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner. This pattern of behavior may include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control. State administrators should be aware that when victims of domestic violence flee from abuse, perpetrators of domestic violence frequently claim to be victims in order to locate their former victims, punish them for leaving, or regain control

over victims through legal proceedings. Organizations that claim to assist victims but actually assist perpetrators in regaining control over victims are not eligible for support. Moreover, in cases of dual arrest or cross allegations of abuse, projects must not provide victim services to the primary or predominant aggressor.

- Victim services programs must reflect (e.g., through mission statements, training for all staff) an understanding that the violence perpetrated against victims is grounded in an abuse of power by offenders, reinforced through intimidation and coercion, sanctioned by traditional societal and cultural norms, and supported by the legal system's historically discriminatory response to domestic violence, sexual assault, and stalking crimes.

Victim services programs must have this understanding because existing cultural and legal norms validate perpetrator conduct, compromise victim safety, discourage social support for victims, and perpetuate societal tolerance of the violence. In the context of these norms, perpetrator conduct impedes the liberty and autonomy of victims, creates fear of the perpetrator, causes physical and/or psychological injury, and limits the victim's access to services. The philosophy of victim services programs must reject the use of violence and intimidation to perpetuate these and other forms of inequality.

- Victim services programs must address a demonstrated need in their communities by providing services that promote the integrity and self sufficiency of victims, improve their access to resources, and create options for victims seeking safety from perpetrator violence.

A lack of services alone does not demonstrate the need for a particular program to be funded. Rather, states should determine whether there is a demonstrated need for the proposed services and whether the applicant would serve a significant number of victims who do not otherwise have access to resources such as safe housing, economic self sufficiency, advocacy and counseling, and culturally appropriate services. Services must be designed to restore victim autonomy and liberty, for example, by assisting victims when perpetrators have denied them access to financial resources such as family income or bank accounts.

- Victim services programs must not engage in activities that compromise victim safety.

Examples of activities that compromise victim safety include but are not limited to mediation, alternative dispute resolution, couples counseling, or any other intervention that implies that both parties are responsible for the perpetrator's violence; failing to respect victim autonomy and decision-making; intervention or counseling programs for perpetrators that do not use the coercive power of the criminal justice system to hold them accountable for their behavior, such as anger or stress management programs; and providing perpetrators with confidential information about the whereabouts or activities of victims or their families.

- Victim services programs must consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence programs.

APPENDIX B

CERTIFICATION OF COMPLIANCE WITH THE STATUTORY REQUIREMENTS OF THE VIOLENCE AGAINST WOMEN ACT



U.S. Department of Justice
Office of Justice Programs
Violence Against Women Office

Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended

Applicants should refer to the regulations cited below to determine the certifications to which they are required to attest. Applicants should also review the instructions for certification included in the program regulations before completing this form. Signature on this form certifies that the state is qualified to receive the funds and provides for compliance with relevant requirements under 28 CFR Part 90, "Rape Exam Payment Requirement" and "Filing Costs for Criminal Charges." -The certifications shall be treated as a material representation of fact upon which the Department of Justice will rely when it determines to award the covered transaction, grant, or cooperative agreement.

Any state shall be qualified for funds provided under the Violence Against Women Act upon certification that:

- (1) the funds will be used only for the purposes described in 42 U.S.C. § 3796gg (b) under the "Grants to Combat Crime Against Women" program authority;
- (2) grantees and subgrantees will develop plans for implementation and will consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services providers in the development of this plan;
- (3) the amount granted will be allocated, without duplication, as follows: at least 25 percent to law enforcement programs, at least 25 percent to prosecution programs, at least 30 percent to nonprofit, nongovernmental victim services programs, and at least 5 percent to court programs.

(4) any federal funds received under this subchapter will be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this chapter.

In addition, as required by Sections 2005 and 2006 of Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322 (September 13, 1994), which, in part, amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3711 et seq. [by adding a new "Part T." Part T comprises Sections 2001 through 2006, codified at 42 U.S.C. §§ 3796gg through 3796gg-5], and implemented at 28 CFR Part 90, for persons entering into a grant or cooperative agreement, as defined at 28 CFR Part 90, the applicant certifies that:

(1) Forensic Medical Examination Payment Requirement for Victims of Sexual Assault

- (a) The state, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket costs of forensic medical exams for victims of sexual assault.
- (b) A state, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity
 - (1) provides such exams to victims free of charge to the victims;
 - (2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams if

(i) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(ii) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

(iii) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

(iv) the state, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005 (b), codified at 42 U.S. C. 3796gg-4(b).

(2) Filing Costs For Criminal Charges

(a) A state will not be entitled to funds unless it

(i) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order or a petition for a

protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the issuance, registration, or service of a warrant, petition for protection order, or witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction; or

(ii) gives the Assistant Attorney General for OJP assurance that its laws, policies, and practices will be in compliance with the provision by the date on which the next session of the state legislature ends or October 28, 2002.

(b) An Indian tribal government or unit of local government will not be eligible for subgrants from the state unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies, and practices.

(c) If a state does not come into compliance within the time allowed in paragraph (a) (ii) of this section, the state will not receive its share of the grant money whether or not individual units of local government are in compliance. Section 2006, codified at 42 U.S.C. 3796gg-5, as amended.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with above certifications.

Typed Name of Authorized Representative

Title

Telephone Number

Signature of Authorized Representative

Date Signed

Agency Name